

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 91-CV-81110

vs.

HON. GEORGE CARAM STEEH

LAWRENCE OZEL LITTLE,

Defendant.

ORDER DENYING DEFENDANT'S MOTION FOR FINDING OF FACT AND
CONCLUSIONS OF LAW PURSUANT TO FED. R. CIV. P. 52(a) (DOCUMENT # 121)
AND DENYING CERTIFICATE OF APPEALABILITY (DOCUMENT # 126)

Defendant Lawrence Ozel Little was sentenced by this court to life in prison in 1992. Before the court are two motions filed by the defendant: (1) motion for finding of fact and conclusions of law (Document # 121) and (2) motion for certificate of appealability (Document # 126). Over the years defendant has filed numerous *pro se* motions in an effort to reduce his prison sentence.

For instance, on February 23, 2006 the court denied defendant's motion entitled, "Motion for Writ of Auduit (sic) Querela or for an Order Pursuant to Rule 52(b) FrCrP Declaring the Judgment of Conviction and Sentence Void". On October 20, 2006 defendant filed a motion to set aside void judgment pursuant to Fed. R. Civ. P. 60(b)(4) asserting, essentially, that the court was without subject matter jurisdiction to enter its 1992 judgment of conviction in the case.¹ On November 21, 2006 the court deemed this motion meritless and denied it (Document # 119). Notwithstanding, on January 17, 2007

¹The court found defendant's assertion that 18 U.S.C. § 3231 is null and void, because never enacted, to be unavailing.

the defendant filed a motion entitled "Motion for Finding of Fact and Conclusions of Law" in reference to the court's denial of his Fed. R. Civ. P. 60(b)(4) motion without an evidentiary hearing² (Document # 121). In this motion defendant continues to assert the same arguments stated in prior motions, which the court has found to be without merit.

On February 15, 2007, defendant filed a motion for certificate of appealability, pursuant to Fed. R. App. P. 22(b)(1) (Document # 126), of this court's order denying his motion to set aside void judgment, (Document #121). Pursuant to 28 U.S.C.A. § 2253(c)(2), a certificate of appealability may issue only if the applicant has made a substantial showing of the denial of a constitutional right. The court finds defendant has not fulfilled this requirement.

Defendant's motions are, accordingly, DENIED.

IT IS SO ORDERED.

Dated: March 21, 2007

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on March 21, 2007, by electronic and/or ordinary mail.

S/Josephine Chaffee
Deputy Clerk

² Oral hearings on motions for rehearing or reconsideration, motions for reduction of sentence and motions in civil cases where a party is in custody will not be held unless ordered by the assigned judge. E.D. Mich. LR 7.1(e)(2). The court does not find cause to depart from this rule here.